

Message Text

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44

ACTION L-03

INFO OCT-01 EUR-25 NEA-10 ISO-00 CAB-09 CIAE-00 COME-00

DODE-00 EB-11 INR-10 NSAE-00 RSC-01 FAA-00 DOTE-00

IO-13 AF-10 ARA-16 EA-11 PM-07 H-03 NSC-10 PA-03

PRS-01 SPC-03 SS-15 USIA-15 ACDA-19 SY-10 SCA-01

JUSE-00 DRC-01 OIC-04 /212 W
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P R 151420Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 0781

INFO AMEMBASSY BEIRUT

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY TEL AVIV

AMCONSUL MONTREAL

USUN NEW YORK 1709

UNCLAS ROME 9673

E.O. 11652: N/A

TAGS: ICAO, ETRN

SUBJ: ICARO AIR SECURITY CONFERENCE: FOURTEENTH REPORT OF
USDEL TO ASSEMBLY/CONFERENCE - SEPT. 13

MONTREAL FOR US REP ICAO

PLS PASS: LITTELL/CAB; DRISCOLL/DOT; STEWART/FAA

1. CHAIRMAN DIALLO TOLD EXECUTIVE COMMITTEE OF ASSEMBLY
HE WOULD LIMIT SPEAKERS TO THREE MINUTES EXCEPT WHEN MAKING
OR COMMENTING ON THEIR PROPOSALS. FIRST QUESTION OF DAY WOULD
BE WHEHTER IT IS NECESSARY TO AMEND ART. 86 (APPEALS) OF CHICAGO
CONVENTION AS PROPOSED IN A20-WP/3. SRI LANKA AND UK ASKED
WHETHER PAPERS THEY HAD CIRCULATED SHOULD NOT BE INCLUDED
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IN ORDER OF BUSINESS. SRI LANKA PAPER PERTAINED TO QUESTIONS

ALREADY DECIDED BUT OTHER PAPER (A20-WP/24 SENT SEPTTEL) WAS REVISED TEXT OF UK/SWISS PROPOSAL FOR AMENDMENT OF ART. 87 WHICH HAD JUST BEEN CIRCULATED.

2. AUSTRALIA SAID IT WOULD BE DIFFICULT TO RECONCILE TWO-STAGE PENALTY FOR NON-CONFORMITY BY STATE IN WP/24 WITH APPEALS PROCEDURE OF ART. 86. UK REPLIED PROCEDURE FOR APPEALS IS IN ART. 84; ART. 86 DEALS WITH EFFECT OF APPEALS. IF CONVENTION AMENDED TO COVER CONDUCT OF STATES, ANY SUCH DECISION WOULD BE SUSPENDED UNTIL APPEAL FINALLY DECIDED. JAMAICA SAID ISSUE WHICH WILL ARISE WILL NOT BE DISAGREEMENT BETWEEN CONTRACTING STATES BUT CLEAR VIOLATION BY A STATE OF ITS OBLIGATIONS. USSR SAID AMENDMENT BEING PROPOSED MEANT REVOLUTION IN COMPETENCY OF COUNCIL WHICH DOES NOT HAVE RIGHT TO IMPOSE AIR BLOCKADE AND NOW WOULD HAVE RIGHT TO DO SO, A PREROGATIVE OF UN SECURITY COUNCIL. USSR WOULD OPPOSE AMENDMENTS TO ARTS. 86 AND 87. PAKISTAN, ALGERIA AND FRANCE OPPOSED AMENDMENT OF ART. 86. EGYPT PROPOSED DEFERMENT OF CONSIDERATION UNTIL PENALTIES CONSIDERED AND THIS AGREED BY VOTE OF 29-19(US).

3. SWITZERLAND PRESENTED WP/24, EXPLAINING THAT PRESENT ART. 87 WOULD REMAIN UNCHANGED AND THERE WOULD BE NEW ART. 88. THERE WAS NO INTENTION TO HAVE AUTOMATIC SANCTIONS AND STATES WHICH DID NOT APPLY SANCTIONS WOULD NOT HAVE ANY APPLIED AGAINST THEM. SUDAN THEN PRESENTED THE ALTERNATIVE PROPOSAL IN WP/16 (SEE ROME 9350) SAYING IT GAVE COUNCIL OPPORTUNITY TO REFER CASES TO ASSEMBLY FOR FINAL DECISION BY A TWO-THIRDS MAJORITY, BUT WOULD STILL HAVE DUAL PUNISHMENT FEATURE--PREVENTING OPERATION OF AIRCRAFT AND SUSPENSION OF VOTING POWER IN ICAO. CHAIRMAN SAID WP/24 DIVIDES INTO TWO PARTS--INVESTIGATION AND DECISION.

4. UK NEXT PRESENTED ADDENDUM NO. 2 TO WP/3, WHICH WOULD BE INSERTED IN PROTOCOL OF AMENDMENT, PROVIDING FOR RESERVATIONS CONCERNING THE JURISDICTION OF THE ICJ. BRAZIL THEN REFERRED O A SUBAMENDMENT WHICH IT HAD CIRCULATED AND WHICH IT CONSIDERED COULD DRAW THE LARGEST NUMBER OF SUPPORTERS.

US AGREED WITH THIS OBJECTIVE BUT SAID IT COULD NOT SUPPORT PROPOSAL. VOTE TAKEN ON BRAZILIAN TEXT, WHICH PROVIDED FOR UNCLASSIFIED

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WITHDRAWAL OF RESERVATION BUT LESS CLEAR, WAS 9-40(US)-19 AND ON UK TEXT 23-24-32(US), SO BOTH FAILED.

5. NETHERLANDS INTRODUCED WP/5 AS SUBAMENDMENT TO FRENCH/UK/-SWISS PROPOSAL, EMPHASIZING COUNCIL NOT APPROPRIATE BODY FOR FACT-FINDING, SHOULD NOT HAVE TO DEPEND ON AD HOC COUNCIL AND ASSEMBLY MEETINGS AND ADVOCATING INDEPENDENT COMMISSION. SAID BELGIUM IN WP/21 HAD PRESENTED ALTERNATIVE TEXT RATHER THAN

AMENDMENT. CANADA, JAPAN, BELGIUM, US, GREECE, AND ITALY SPOKE IN FAVOR OF INDEPENDENT COMMISSION OF EXPERTS. KENYA, SYRIA, FRANCE, BULGARIA, SENEGAL, UGANDA, EGYPT, AUSTRALIA, BURUNDI AND USSR QUESTIONED NEED FOR NEW BODY. BURUNDI MOVED CLOSURE OF DEBATE AND ZAIRE APPEALED TO IT TO WITHDRAW ITS PROPOSAL. KENYA MADE A PRIORITY MOTION TO SUSPEND THE MEETING FOR 15 MINUTES BUT IF FAILED, 5-30 WITH US NOT VOTING. CLOSURE OF DEBATE THEN CARRIED 44-9. CHAIRMAN PHRASED FOLLOWING QUESTION OF PRINCIPLE: QTE DOES THE EXECUTIVE COMMITTEE WISH THE ESTABLISHMENT OF A COMMISSION DISTINCT FROM THE COMMISSION PROVIDED FOR BY ARTICLE 8 OF THE PROCEDURES FOR THE SETTLEMENT OF DISPUTES APPROVED BY THE ICAO COUNCIL? UNQTE AFTER OBJECTING TO THIS WORDING, NETHERLANDS REQUESTED ROLL-CALL VOTE WHICH WAS 16(US)-51-20. FURTHER QUESTIONS PHRASED BY CHAIRMAN REGARDING THE POWERS OF THE COMMISSION UNDER THE NETHERLANDS AND BELGIAN PROPOSALS NO LONGER NECESSARY. NETHERLANDS PROTESTED CLOSING OF DEBATE FOLLOWED BY CHAIRMAN PHRASING QUESTIONS OF PRINCIPLE.

6. DISCUSSION OF NEW ART. 80 IN WP/4 RESULTED IN BELGIUM WITHDRAWING ITS AMENDMENT AT SUGGESTION OF USSR TO SAVE TIME AND UK AGREEING WITH USSR THAT IT MIGHT BE INCORPORATED IN PREAMBLE TO PROTOCOL OF AMENDMENT.

7. AFTER QATAR OUTLINED ITS THREE-STAGE AMENDMENT TO UK/SWISS PROPOSAL IN WP/24 AND IT WAS ANNOUNCED AS BEING AVAILABLE IN DELEGATES BOXES (SEE SEPTTEL), DIALLO SAID HE WOULD LIKE TO TAKE A VOTE ON THEM AND ON THE SUDANESE PROPOSAL. THE US THEN ASKED WHETHER IT WAS NECESSARY TO MOVE RULE 52 (24-HOUR RULE) IN ORDER TO HAVE TIME TO STUDY NEW PAPER BY QATAR. EGYPT AND OTHERS SECONDED AND THERE WAS NO OBJECTION.VOLPE

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